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21 IN THE UNITED STATES DISTRICT COURT
22
23 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

24
25 **LESLIE ARTHUR BYRD,**

26 Petitioner,

27 v.

28 **ROBERT J. HERNANDEZ, WARDEN,**

29 Respondent.

30 08-CV-0651 JM (AJB)

31 **RESPONDENT'S EX PARTE
32 APPLICATION FOR AN ORDER
33 EXTENDING THE TIME FOR HIM TO
34 RESPOND TO THE PETITION FOR
35 WRIT OF HABEAS CORPUS**

36 Magistrate Judge: The Honorable
37 Anthony J. Battaglia

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39 TO THE HONORABLE COURT AND PETITIONER LESLIE ARTHUR BYRD,
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41 APPEARING IN *PRO PER*:

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43 Respondent R. J. Hernandez, Warden of Richard J. Donovan Correctional Facility at
44 Rock Mountain, respectfully applies for an extension of time through July 7, 2008, to file a
45 Motion to Dismiss, and through July 21, 2008 to file his Answer to the Petition for Writ of
46 Habeas Corpus in this matter. Respondent's Motion to Dismiss is currently due to be filed on or
47 before June 4, 2008, and his Answer is due to be filed on or before June 19, 2008.

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1 Good cause exists for the requested extensions of time, as set forth in the concurrently
2 filed declaration of Gregory J. Marcot. A proposed order granting the ex parte application is
3 being lodged together with this application.

4 Dated: June 2, 2008

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of the State of California

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Byrd v. Hernandez**

4 | No.: 08-CV-0651 JM (AJB)

5 | I declare:

6 I am employed in the Office of the Attorney General, which is the office of a member of the
7 California State Bar, at which member's direction this service is made. I am 18 years of age or
8 older and not a party to this matter. I am familiar with the business practice at the Office of the
9 Attorney General for collection and processing of correspondence for mailing with the United
States Postal Service. In accordance with that practice, correspondence placed in the internal
mail collection system at the Office of the Attorney General is deposited with the United States
Postal Service that same day in the ordinary course of business.

10 On June 2, 2008, I served the attached **RESPONDENT'S EX PARTE APPLICATION FOR**
11 **AN ORDER EXTENDING THE TIME FOR HIM TO RESPOND TO THE PETITION**
12 **FOR WRIT OF HABEAS CORPUS** by placing a true copy thereof enclosed in a sealed
envelope with postage thereon fully prepaid, in the internal mail collection system at the Office
of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA
92186-5266, addressed as follows:

14 LESLIE ARTHUR BYRD
15 CDC # D-30420
16 RICHARD J. DONOVAN
17 CORRECTIONAL FACILITY AT ROCK
18 MOUNTAIN
19 P.O. BOX 799006
20 SAN DIEGO, CA 92179-9006

18 | IN PRO PER

19 I declare under penalty of perjury under the laws of the State of California the foregoing is true
20 and correct and that this declaration was executed on June 2, 2008, at San Diego, California.

S. Banks

Declarant

John Bemis

Signature

70125811.wpd